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10/815,263

03/31/2004

Kalle Kangas

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EXAMINER

WENDELL, ANDREW

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

07/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/815,263

Applicant(s)

KANGAS ET AL.

Examiner

Andrew Wendell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-7, and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crocker et al. (US Pat Appl# 2004/0198366) in view of Guo (US Pat Appl# 2006/0002338).

Regarding claim 1, Crocker et al. communication retry method over digital wireless systems teaches a method for establishing a wireless data transfer connection between a remote application (call center) 170 (Fig. 1) and a controlling application (mobile vehicle telematics unit) 120 (Fig. 1), where the wireless link from the remote application is implemented by a wireless terminal connected to the remote application, the method comprising arranging a group of allowable connection parameter settings 210 and 260 (Fig. 2), each connection parameter setting corresponding to a different service bearer (Section 0034, i.e. SMS, internet, voice, etc.); attempting to use a default connection parameter setting 210 (Fig. 2), wherein the default connection parameter setting corresponds to a default service bearer; detecting that the default service bearer is not usable to establish a wireless data transfer connection 220 (Fig. 2); and selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings 260 (Fig. 2 and Sections 0034-0035),

until a usable service bearer is found, to perform the wireless data transfer 260 and 280 (Fig. 2). Crocker et al. fails to teach connection parameter settings in a pre-determined order.

Guo's transmission rate change in communications networks teaches arranging a group of allowable connection parameter settings (transmission power) in a pre-determined order S3-S8 (Fig. 3); attempting to use a default connection parameter setting S1-S3 (Fig. 3); detecting that the default service bearer is not usable S3-S8 (Fig. 3); serially selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings in the pre-determined order one-after-another until a usable service bearer (communication link that is supported) is found S4-S8 (Fig. 3).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate connection parameter settings in a pre-determined order as taught by Guo into Crocker et al. communication retry method over digital wireless systems in order to provide highest data rate, minimum transmit power, low delay, and low interference (Section 0011).

Regarding claim 5, the combination including Crocker et al. teaches attempting to establish a data transfer connection with a default connection parameter 210 (Fig. 2); determining if a data transfer connection has been established using the default connection parameter 220 (Fig. 2); if no data transfer connection has been established, trying a second time to establish a data transfer connection with the default connection

parameter setting 250 (Fig. 2); and using the usable connection parameter setting to establish the data transfer connection 210 or 260 (Fig. 2 and Sections 0034-0035).

Regarding claim 6, the combination including Crocker et al. teaches further comprising noticing that the connection establishment is not possible because there is no backup connection parameter settings defined according to the third comparison phase or allowed according to the fourth comparison phase 270 ("Yes," Fig. 2).

Regarding claim 7, Crocker et al. teaches a wireless terminal (mobile vehicle telematics unit) 120 (Fig. 1) connected to a remote application (call center) 170 (Fig. 1), the wireless terminal comprising transmitting and receiving means (Sections 0013-0016), a memory (Sections 0013-0015), an application interface (Sections 0013-0015) and a control unit (Sections 0013-0015), where the control unit further comprises a control logic (Section 0013-0014), the control logic configured to attempt to use a default connection parameter setting 210 (Fig. 2), wherein the default connection parameter setting corresponds to a particular service bearer (Sections 0027-0028); to detect that the default connection parameter setting for the wireless link is not usable 220 (Fig. 2); select another connection parameter setting for the wireless link from the group of allowable connection parameter settings 260 (Fig. 2 and Sections 0034-0035), wherein each of the allowable connection settings corresponds to a different service bearer (Section 0034). Crocker et al. fails to teach connection parameter settings in a pre-determined order.

Guo teaches attempting to use a default connection parameter setting S1-S3 (Fig. 3); detecting that the default connection parameter setting for the wireless link is

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not usable S3-S8 (Fig. 3); serially selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings, wherein the group of allowable connection parameter settings is ordered in a predetermined order, and wherein the connection parameter settings are serially selected, one-after-another, in the pre-determined order, until a usable service bearer (communication link that is supported) is found to perform the wireless data transfer S4-S8 (Fig. 3).

Regarding claim 14, the combination including Guo teaches a list of allowable service operators in preferred order S3-S8 (Fig. 3).

Regarding claim 15, Crocker et al. teaches detecting a need for a data transfer across a wireless link 210 (Fig. 2); checking a default connection parameter setting 220 (Fig. 2), wherein the default connection parameter setting corresponds to a particular service bearer (Section 0027-0028); attempting to establish a connection with the default connection parameter setting 210 (Fig. 2); determining if the data transfer connection has been established using the default connection parameter setting 220 (Fig. 2); if no data transfer connection has been established, trying a second time to establish a data transfer connection with the default connection parameter setting 250 (Fig. 2); if no data transfer connection is established after the second try, serially selecting another connection parameter setting for the wireless link from a group of allowable connection parameter settings 260 (Fig. 2 and Sections 0034-0035); and establishing a data transfer connection with the usable service bearer 260 and 280 (Fig. 2), each of the connection parameter settings in the group of allowable connection

parameter settings corresponding to a different service bearer (Section 0034). Crocker et al. fails to teach connection parameter settings in a pre-determined order.

Guo teaches checking a default connection parameter setting S3 (Fig. 3, power transmission); attempting to establish a connection with the default connection parameter setting S1-S3 (Fig. 3); determining if the data transfer connection has been established using the default connection parameter setting S3 (Fig. 3); serially selecting another connection parameter setting for the wireless link from a group of allowable connection parameter settings, wherein the group of allowable connection parameter settings is ordered in a predetermined order, and wherein the connection parameter settings are serially selected, one-after-another in the pre-determined order, until a usable service bearer (communication link that is supported) is found S4-S8 (Fig. 3); and establishing a data transfer connection with the service bearer S9-S10 (Fig. 3).

Regarding claim 16, the combination including Crocker et al. teaches which further comprises noticing that the connection establishment is not possible because there is no backup connection parameter settings defined 270 ("Yes," Fig. 2).

Regarding claim 17, the combination including Crocker et al. teaches a computer program saved on an information carrier (Sections 0013-0015).

Regarding claim 18, Crocker et al. teaches detecting that a default connection parameter setting for the wireless link is not usable 220 (Fig. 2), wherein the default connection parameter setting corresponds to a particular service bearer (Sections 0027-0028); determining if a command has been received from a controlling

application changing a default order for selection of connection parameter settings to a new order 250 and 260 (Fig. 2 and Sections 0034-0035) and, if so, selecting a connection parameter setting in the new order established by the controlling application 260 (Fig. 2), wherein each of the connection parameter settings in the default and new orders corresponds to a different service bearer (Sections 0027-0028 and 0034); and if no command has been received from the controlling application, selecting the connection parameter setting for the wireless link from a group of allowable connection parameter settings 260 (Fig. 2). Crocker et al. fails to clearly teach a new order.

Guo teaches detecting that a default connection parameter (transmission power) setting for the wireless link is not usable S3 (Fig. 2); determining if a command has been received from a controlling application changing an originally-defined order for selection of connection parameter settings to a new order and, if so, selecting a connection parameter setting in the new order established by the controlling application S3-S8 (Fig. 3).

Regarding claim 19, Crocker et al. teaches arranging a group of allowable service operators (Sections 0034-0035), wherein a service operator ordered first comprises a default service operator 210 (Fig. 2); arranging a group of allowable connection parameter settings (Sections 0034-0035), wherein each of the connection parameter settings corresponds to a different service bearer (Sections 0027-0028 and 0034), and wherein a connection parameter setting ordered first comprises a default connection parameter setting 210 (Fig. 2); attempting to use the default service operator 210 (Fig. 2); if the default service operator is not usable, selecting another



service operator from the group of allowable service operators 220 and 260 (Fig. 2); detecting a need for a data transfer over a wireless link 210 (Fig. 2); attempting to use the default connection parameter setting 210 (Fig. 2); and if the default connection parameter setting is not usable, selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings 260 (Fig. 2 and Sections 0034-0035), wherein the usable connection parameter setting corresponds to a particular service bearer (Sections 0027-0028 and 0034). Crocker et al. fails to teach connection parameter settings in a pre-determined order.

Guo teaches arranging a group of allowable service operators (power transmission) in a pre-determined order S3-S8 (Fig. 3), wherein a service operator ordered first comprises a default service operator S1-S3 (Fig. 3); arranging a group of allowable connection parameter settings in a pre-determined order, wherein a connection parameter setting ordered first comprises a default connection parameter setting; attempting to use the default service operator S3-S8 (Fig. 3); if the default service operator is not usable, serially selecting another service operator from the group of allowable service operators in the pre-determined order one-after-another until a usable service operator is found S3-S8 (Fig. 3); detecting a need for a data transfer over a wireless link S1-S3 (Fig. 3); attempting to use the default connection parameter setting S1-S3 (Fig. 3); and if the default connection parameter setting is not usable, serially selecting another connection parameter setting for the wireless link from the group of allowable connection parameter settings in the pre-determined order one-after-another until a usable connection parameter setting is found S3-S8 (Fig. 3).

Regarding claim 20, Crocker et al. teaches where the control unit (Sections 0013-0015) further comprises a control logic, the control logic configured to attempt to use a default connection parameter setting 210 (Fig. 2), the default connection parameter setting corresponding to a particular service bearer (Sections 0027-0028); to detect that the default connection parameter setting is not usable 220 (Fig. 2); to select a connection parameter setting for the wireless link from a group of allowable connection parameter settings 260 (Fig. 2 and Sections 0034-0035), wherein each of the allowable connection parameter settings comprising the group corresponds to a different service bearer (Section 0034); and selecting a service operator from a list of allowable service operators 260 (Fig. 2).

Guo teaches attempting to use a default connection parameter setting S1-S3 (Fig. 3, transmission power); detecting that the default connection parameter setting is not usable S3 (Fig. 3); selecting a connection parameter setting for the wireless link from a group of allowable connection parameter settings S4-S8 (Fig. 3); and serially to select a service operator from a list of allowable service operators, wherein the list is in a pre-determined order, and wherein the service operators are selected one-after-another in the pre-determined order S3-S8 (Fig. 3).

3. Claims 2-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crocker et al. (US Pat Appl# 2004/0198366) in view of Guo (US Pat Appl# 2006/0002338).

Regarding claim 2, Crocker et al. communication retry method over digital wireless systems in view of Guo's transmission rate change in communications

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networks teaches the limitations in claim 1. Crocker et al. further teaches where after a successful data transfer connection the wireless terminal restores the original default connection parameter setting. The first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate restoring to the original default connection into connection parameter settings in a pre-determined order as taught by Guo into Crocker et al. communication retry method over digital wireless system in order to improve the method of reestablishing communication links (Section 0006).

Regarding claim 3, the combination including Crocker et al. teaches where the original connection parameter setting is restored immediately after the successful data transfer connection. Again, the first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Regarding claim 4, the combination including Crocker et al. teaches where the original connection parameter setting is restored when a predetermined time (any time limit), defined by the controlling or remote application, has been lapsed after the successful data transfer connection. Again, the first link is predetermined set (Sections

0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate. It has to happen at a predetermined time (any time) for it to actually restore to the default connection.

Regarding claim 8, the combination including Crocker et al. teaches restoring the original default connection parameter setting after a successful data transfer connection. The first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Regarding claim 9, the combination including Crocker et al. teaches restoring the original connection parameter setting immediately after the successful data transfer connection. Again, the first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not the desired mode to communicate.

Regarding claim 10, the combination including Crocker et al. teaches restoring the original connection parameter setting is restored when a predetermined time (any time limit), defined by the controlling or remote application, has been lapsed after the successful data transfer connection. Again, the first link is predetermined set (Sections 0028-0029) it would be obvious that the system would default back to the first link because it is the predetermined main way to communicate and the second link is not

the desired mode to communicate. It has to happen at a predetermined time (any time) for it to actually restore to the default connection.

4. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crocker et al. (US Pat Appl# 2004/0198366) in view of Guo (US Pat Appl# 2006/0002338) and further in view of Provost et al. (US Pat Appl# 2004/0203948).

Regarding claim 11, Crocker et al. communication retry method over digital wireless systems in view of Guo's transmission rate change in communications networks teaches the limitations in claim 7. Crocker et al. and Guo fails to teach a GSM terminal.

Provost et al. system for acknowledging a message received on a mobile terminal teaches where the wireless terminal is a GSM terminal (Sections 0048 and 0061-0062).

Therefore, it would have been obvious at the time of the invention to one of ordinary skill in the art at the time the invention was made to incorporate a GSM terminal as taught by Provost et al. into connection parameter settings in a pre-determined order as taught by Guo into Crocker et al. communication retry method over digital wireless system in order to provide a read acknowledgment system (Section 0005).

Regarding claim 12, Provost et al. further teaches where the group of allowable connection parameter settings allowed for GSM terminal comprises at least two of the following: GPRS (Section 0002) and SMS (Sections 0031 and 0048).

***Response to Arguments***

Applicant's Remarks	Examiner's Response
<p>"The Guo application simply discloses a method for adjusting transmission power until a desired data rate is achieved. It says nothing about selecting an alternate communications link when a default communications link fails."</p>	<p>Examiner fails to see where this limitation is directly recited in the claim. However, for the sake of argument, Guo still teaches selecting an alternate communications (i.e. different power rate in the communication link) link. Also, Crocker teaches selecting an alternate communications link (Fig. 2) as well.</p>
<p>"Such a combination factually mischaracterizes the references and resulting combination as well, since the Guo application simply neither describes nor suggests that its methods for adjusting transmission power can be generally adapted to other communications situations, or specifically adapted to select alternate communications links when a primary communications link fails."</p>	<p>The Guo reference is only used to teach connection parameter settings in a pre-determined order. For the sake of argument, adjusting transmission power in Guo's reference is normally done in any communication system to get the best signal quality. Both Guo and Crocker very simply teach trying to establish a communication (service) link after a first try fails in a communication environment. Again, examiner thinks the combination is reasonable (since both are trying to</p>

	establish a communication link with another communication device) and reads on the broadest interpretation of the recited claim limitations.
"Applicants further submit that if the Examiner is correct that Guo does describe or suggest a method for selecting an alternate communications link when a primary link fails (Applicants admit this only for the sake of argument and deny that Guo does so) then it would be improper to combine the references by substituting the method purportedly described in Guo for the method described in Crocker."	See above response.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Wendell whose telephone number is 571-272-0557. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**

  
Andrew Wendell  
Examiner  
Art Unit 2618

6/21/2007